

IC 15-8

**ARTICLE 8. COUNSELING AND DEBT
RESTRUCTURING NEGOTIATIONS FOR FARMERS**

IC 15-8-1

Chapter 1. Definitions

IC 15-8-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.7-1996, SEC.2.

IC 15-8-1-2

"Adverse legal action"

Sec. 2. "Adverse legal action" means any of the following acts that arise from and are related to farm operations:

(1) The commencement or continuation, including the issuance or employment of process, of a judicial, an administrative, or other action or proceeding against a farmer.

(2) The enforcement against a farmer or against property of the estate of a farmer of a judgment that was previously obtained against the farmer or the farmer's estate.

(3) Any act to:

(A) obtain possession of property of or from the estate of a farmer; or

(B) exercise control over property of the estate of a farmer.

(4) Any act to create, perfect, or enforce any lien against property of the estate of a farmer.

(5) Any act to create, perfect, or enforce against the property of a farmer any lien that secures a claim that arose previously against the farmer.

(6) Any act to collect, assess, or recover a claim against a farmer that arose previously.

(7) The setoff of any debt owed to a farmer against any claim against the farmer.

As added by P.L.7-1996, SEC.2.

IC 15-8-1-3

"Commissioner"

Sec. 3. "Commissioner" refers to the lieutenant governor, serving as the commissioner of agriculture under IC 4-4-3-2.

As added by P.L.7-1996, SEC.2.

IC 15-8-1-4

"Counselor"

Sec. 4. "Counselor" refers to an individual employed as a counselor under IC 15-8-3-1.

As added by P.L.7-1996, SEC.2.

IC 15-8-1-5

"Creditor"

Sec. 5. "Creditor" means any individual, corporation, partnership, organization, association, or other public or private entity that:

- (1) is engaged in lending to farmers;
- (2) has made financial credit available to a farmer; or
- (3) holds title to or a lien against any:
 - (A) farm real estate; or
 - (B) commodities, livestock, or other products produced on farm real estate.

As added by P.L.7-1996, SEC.2.

IC 15-8-1-6

"Farm real estate"

Sec. 6. "Farm real estate" means:

- (1) land that is subject to assessment as agricultural land under IC 6-1.1-4-13; and
- (2) improvements on land referred to in subdivision (1).

As added by P.L.7-1996, SEC.2.

IC 15-8-1-7

"Farmer"

Sec. 7. "Farmer" means an individual:

- (1) who is the owner or operator of a farm;
- (2) who is engaged in the production of crops or livestock on farm real estate; and
- (3) at least twenty-five percent (25%) of whose gross income is derived from the sale of farm products.

As added by P.L.7-1996, SEC.2.

IC 15-8-1-8

"Financially troubled farmer"

Sec. 8. "Financially troubled farmer" means a farmer who meets the description set forth in subdivision (1) or (2):

- (1) a farmer who, in each of the six (6) months before submitting an application for counseling services from a grantee:
 - (A) has debts that exceed forty percent (40%) of the gross value of the farmer's farming operation; and
 - (B) has experienced a negative cash flow related to the farmer's farming operation that jeopardizes the continuance of the farming operation; or
- (2) a farmer who is the borrower under a loan that the borrower does not have the financial capacity to pay according to the terms of the loan and who exhibits one (1) or more of the following characteristics:
 - (A) The borrower is demonstrating adverse financial and repayment trends.
 - (B) The loan is delinquent or past due under the terms of the loan contract.

(C) One (1) or both of the characteristics set forth in clause (A) or (B), together with inadequate collateralization, present a high probability of loss to the lender.

As added by P.L.7-1996, SEC.2.

IC 15-8-1-9

"Grantee"

Sec. 9. "Grantee" means an individual, a corporation, a limited liability company, an association, an organization, or other entity that receives a grant under this article.

As added by P.L.7-1996, SEC.2.